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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,642	03/18/2004	Robert H. Osborn JR.	577-596	5327
23869	7590	06/23/2005	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,642

Applicant(s)

OSBORN, ROBERT H.

Examiner

DHIRU R. PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The indicated allowability of claim 3 is withdrawn in view of the newly discovered reference(s) to Marik et al (5,929,383). Rejections based on the newly cited reference(s) follow.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a gland nut as well as a sealing ring interposed between said gland nut and said body recited in claim 1 must be shown or the feature(s) canceled from the claim(s). The examiner suggest showing reference number for a gland nut on the drawing and the drawing should show clearly said sealing ring interposed between said gland nut and said body. A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered. Applicant is responsible for showing reference number for claimed invention.

3. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled

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"Replacement Sheet" in the page header (as per 37 CFR 1.84©)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

It is noted that the inventor has not mentioned about the drawings objection in his remarks for previous office action.

Specification

5. The disclosure is objected to because of the following informalities:

On page 6, "DSM" should be spelled out completely.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 5, " a sealing ring interposed between said gland nut and said body" is confusing because it is not shown on the drawings.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11 as best understood, are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Marik et al (5,929,383) in view of Layer (5,799,954).

Marik et al disclose:

Regarding claim 1, an electrical fitting 100 (see fig 3 and entire column 3) comprising: an elongated connector body 126 (see fig 3 and entire column 3) having a conduit receiving end and a conductor egressing end (see fig 3); a gland nut 122 attachable to said conduit receiving end of said body (see figs 3 and 5 and entire column 3); and a sealing ring 124 (see fig 3 and entire column 3) interposed between said gland nut and said body (see fig 5) for establishing a seal thereat upon said attachment of said gland nut to said conduit (see fig 5), said sealing ring being formed of a resilient material (see column 3 lines 45-65, **please note that Marik disclosed that sealing ring 124 can be made from other suitable material, see column 3 lines 45-51**), but fails to disclose said sealing ring being formed of high temperature resilient material. Layer teaches the use of a sealing ring 12 being made from high temperature resilient material (see column 3 lines 55-68), it is well known in the electrical art to use a sealing ring being made from high-temperature

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resilient material as evidence by Layer and **Marik disclosed that sealing ring 124 can be made from other suitable material**, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Marik with said ring being formed of high temperature resilient material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Regarding claim 2, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including **Marik disclosed that sealing ring 124 can be made from other suitable material**, but fails to disclose said material comprises nylon 4/6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified assembly of Marik with said material comprises nylon 4/6, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Regarding claim 3, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including an insulated throat 128 supported within said conductor egressing end of said body (see fig 3 of Marik).

Regarding claim 4, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including said body and gland nut being formed of conductive metal (see column 3 lines 45-51 of Marik, please note that **Marik disclosed**

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that said body and gland nut can be made from other suitable material), it is noted that the modified assembly of Marik meet the structural limitations.

Regarding claim 5, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including a ground cone 125 (see fig 3, column 3 lines 30-35 of Marik) supported by said body (see fig 5) for engagement with said metal conduit for establishing electrical ground connection between said body and said metal conduit.

Regarding claim 6, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including wherein said conductor egressing end is externally screw threaded for insertion into an opening in a panel of an electrical enclosure (see fig 5 of marik).

Regarding claim 7, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including an internally threaded lock nut 130 for screw threaded attachment to said conduit engaging end for securing said body to said panel (see fig 5 and entire column 3 of marik).

Regarding claim 8, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including wherein said conduit engaging end is linearly aligned with said conductive receiving end (see fig 5 of marik).

Regarding claim 9, the modified assembly of Marik disclose all the features of the claimed invention as shown above, but fails to disclose wherein said conductor egressing end is aligned at an angle with respect to conductor receiving end. it would have been an obvious matter of design choice to use said conductor egressing end is aligned at an angle with respect to conductor receiving end, since applicant has not disclosed that said

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conductor egressing end is aligned at an angle with respect to conductor receiving end solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said conductor egressing end is aligned at an angle with respect to conductor receiving end of the modified assembly of Marik. Regarding claims 10-11, the modified assembly of Bachle disclose all the features of the claimed invention as shown above, but fails to disclose wherein said angle is 45 degree and said angle is 90 degree for claims 10-11 respectively. it would have been an obvious matter of design choice to use said angle is 45 degree and said angle is 90 degree, since applicant has not disclosed that said angle is 45 degree and said angle is 90 degree solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said angle is 45 degree and said angle is 90 degree of the modified assembly of Marik.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel
Primary Examiner
Group Art Unit 2831
June 22, 2005

Dhiru Patel
DHIRU R. PATEL
PRIMARY EXAMINER
6/24/05